

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

KYMSTA CORP.,  
a California corporation,

Petitioner,

vs.

QUIKSILVER, INC.,  
a Delaware corporation,

Respondent

CANCELLATION No. 92041805

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on

8/30/2005

Date

James D. Nguyen  
JAMES D. NGUYEN

**KYMSTA CORP.'S NOTICE RE STATUS OF PENDING APPEAL  
FROM DISTRICT COURT JUDGMENT**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
ATT: BOX TTAB NO FEE

Counsel for Petitioner Kymsta Corp. ("Kymsta") is in receipt of the August 19 notice from the TTAB and the prior notice dated June 15 concerning the status of the Ninth Circuit appeal in the civil action between the parties. After receiving the original notice, Kymsta's counsel checked with the Ninth Circuit clerk and learned that no hearing date had yet been set for oral argument on the appeal. (The briefing has been completed). Thus, the appeal remains pending and Kymsta requests that Board defer action on this matter until the appeal is completed.

Kymsta's counsel believed a response had been sent to the Board within the thirty days requested (when it appears one was not), and apologizes for any inconvenience to the Board.

DATED: August 30, 2005

Respectfully submitted,

KYMSTA CORP.

By: James D. Nguyen  
James D. Nguyen

William J. Robinson

James D. Nguyen

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Attorneys for Petitioner **KYMSTA CORP.**

**CERTIFICATE OF SERVICE**

I hereby certify that this **Kymsta Corp.'s Notice of Appeal from District Court Judgment and Opposition to Quiksilver's Request for Decision Based on Related Civil Action** and all marked attachments have been served upon the attorney for the trademark owner and respondent, Quiksilver, Inc., on August 30, 2005, by depositing same in the United States mail, first class postage prepaid, in an envelope addressed as follows:

Jeffrey L. Van Hoosear, Esq.  
**KNOBBE, MARTENS, OLSON & BAER, LLP**  
2040 Main Street, 14<sup>th</sup> Floor  
Irvine, CA 92614

  
James D. Nguyen  
Date of Signature: August 30, 2005